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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

**FILED**

O'Clock

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SEP 20 2010

JEANNE HICKS, Clerk

BY

Deputy

DIVISION PRO TEM B

HON. WARREN R. DARROW

By: Diane Troxell, Judicial Assistant

CASE NUMBER: V1300CR201080049

Date: September 20, 2010

TITLE:

COUNSEL:

STATE OF ARIZONA

Sheila Sullivan Polk  
Yavapai County Attorney  
Bill Hughes, Esq.  
Steven Sisneros, Esq.  
Deputy Yavapai County Attorneys

(Plaintiff)

(For Plaintiff)

vs.

JAMES ARTHUR RAY

Thomas K. Kelly, Esq.  
425 E. Gurley  
Prescott, AZ 86301

Luis Li, Esq.  
Brad Brian, Esq.  
Truc Do, Attorney at Law  
MUNGER TOLLES & OLSON LLP  
355 S. Grand Avenue, 35<sup>th</sup> Fl.  
Los Angeles, CA 90071

(Defendant)

(For Defendant)

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**UNDER ADVISEMENT RULING ON MOTION TO CHANGE PLACE OF TRIAL**

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The Court has considered the Defendant's Motion to Change Place of Trial Pursuant to Rule 10.3 of the Arizona Rules of Criminal Procedure, the State's Response, the Reply, the Declaration of Truc T. Do in support of the motion, and the arguments of counsel.

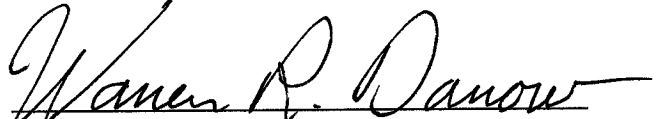
The extensive media coverage of this case is a source of concern with regard to the ability to empanel a fair and impartial jury. As demonstrated by the exhibits presented with the motion, this media coverage has included prejudicial material. Most of this publicity, however, has occurred more than six months prior to this ruling. Furthermore, the parties have not provided, and this Court is not otherwise aware of, evidence of further significant media coverage after oral argument on this motion on August 10, 2010.

Based on the matters of record that have been considered and this Court's experience in the selection of juries in Yavapai County, the Court concludes, at this time, that the Defendant has not proven that "the dissemination of the prejudicial material will probably result in the [Defendant] being deprived of a fair trial." 16A A.R.S. Ariz. Rules Crim. Proc., Rule 10.3(b). Therefore,

AFTER 12:00PM  
SEP 20 2010

IT IS ORDERED **denying** the Defendant's motion without prejudice.

DATED this 20<sup>th</sup> day of September, 2010.

  
**Warren R. Darrow**  
**Superior Court Judge**

cc: Victim Services Division